

Filed for intro on 02/22/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB1705  
By Clabough

AN ACT to amend Tennessee Code Annotated, Title 63, relative to  
orthopaedic physician assistants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-19-102, is amended by adding a new item  
thereto, as follows:

( ) "Orthopaedic physician's assistant" (opa-c) means a physician extender who has  
satisfied the requirements and criteria in accordance with the National Board for Certification of  
Orthopaedic Physician's Assistants, passed the certification as such and functions under the  
supervision of a licensed orthopaedic physician or surgeon in Tennessee.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 19, is amended by adding  
Sections 3 through 11 as a new part thereto.

SECTION 3. (a) Certified orthopaedic physician's assistants shall be governed by the  
Tennessee board of medical examiners. The board of medical examiners shall set all fees  
relative to the licensure, certification and renewals of the certified orthopaedic physician's  
assistants in such amounts sufficient to pay for all expenses attributable to the performance of  
their duties.

(b) The Tennessee board of medical examiners shall review and approve or reject the qualifications of each applicant for initial licensure and review and approve or reject the qualifications of each applicant for renewal.

(c) The board of medical examiners shall issue all approved certified orthopaedic physician's assistant certificates and renewals, collect and receive all fees, fines and moneys owed pursuant to the provisions of this part and pay the same into the general fund.

(d) The board shall have the authority to deny, suspend or revoke a certificate or license or otherwise discipline orthopaedic physicians. The board may impose civil penalties not to exceed seven hundred fifty dollars (\$750) for each violation, or may reprimand a certificate holder who is guilty of violating any of the rules and regulations of the board of medical examiners promulgated pursuant to this act.

#### SECTION 4.

(a) No person shall hold himself or herself out or function as a certified orthopaedic physician's assistant unless he or she holds a valid certified orthopaedic physician's assistant license or certificate issued by the board of medical examiners.

(b) The board of medical examiners shall not certify or license an orthopaedic physician's assistant unless the person is a graduate of an orthopaedic physician extender program approved by the board and or has qualified and met the criteria set forth by the National Board for Certification of Orthopaedic Physician's Assistants and has successfully passed the certification examination.

(c) An individual who is licensed, registered or certified as an orthopaedic physician's assistant in another jurisdiction through the National Board for Certification of Orthopaedic Physician's Assistants and has established employment and residence in Tennessee may be licensed or certified by the board of medical examiners.

(d) Any reasonable expenses incurred by the board of medical examiners in verifying licensure, certification or registration hereunder shall be charged to and paid by an applicant.

(e) All certificates and certificate renewals issued pursuant to this part shall be valid for four (4) years.

(f) A certified orthopaedic physician's assistant must recertify through the board of medical examiners every four (4) years by submitting to the board of medical examiners a valid certificate from the National Board for Certification of Orthopaedic Physicians. Such certificate shall validate that the applicant has met the criteria of the certification board by:

(1) Submitting the required number of American Medical Association continuing education units; or

(2) Re-testing and successfully passing the certification examination of the National Board for Certification of Orthopaedic Physician's Assistants.

#### SECTION 5.

(a) A certified orthopaedic physician's assistant shall function under the supervision of a licensed orthopaedic physician and surgeon within the specialty of orthopaedic medicine and surgery pursuant to the medical scope of practice of Tennessee.

(b) Supervision of the certified orthopaedic physician's assistant shall require active and continuous overview by the supervising physician to ensure that all directions, advice and legal orders are in fact being implemented accordingly, but shall not require the constant physical presence of the supervising physician. The supervising physician shall make a personal review of the historical, physical and therapeutical data on all patients and their condition and so certify by personal signature in a timely manner.

#### SECTION 6.

(a) The certified orthopaedic physician's assistant shall function in accordance with established policies and procedures involving management of care.

(b) With respect to follow-up care, clinic, hospital, nursing home visits, attending the chronically ill at home, and in similar instances where a therapeutic regimen, protocol or policy has been established by the supervising physician, the certified orthopaedic physician's assistant may check and record the patient's progress and therapeutics within the confines of the written regimen, protocol or policy, and report the patient's progress and changes in the therapeutic program to the physician after each visit. When a new problem arises, or established parameters are exceeded, the supervising physician shall undertake personal review of the patient and problem or complaint.

(c) The certified orthopaedic physician's assistant may render all recognized first aid procedures and services in an emergency situation pending the arrival of a responsible physician in cases where immediate diagnosis or treatment are necessary to avoid disability or death.

SECTION 7. A licensed orthopaedic physician or surgeon supervising certified orthopaedic physician's assistants shall comply with the following:

(1) No one supervising orthopaedic physician shall supervise more than two (2) certified orthopaedic physician's assistants at one time;

(2) More than one (1) orthopaedic physician or surgeon may supervise the same certified orthopaedic physician's assistant, however, a physician who is not of the same practice may not supervise the activities of the certified orthopaedic physician's assistant in the treatment of a patient;

(3) The certified orthopaedic physician's assistant shall render services and care commensurate with his or her education, training and experience;

(4) The certified orthopaedic physician's assistant shall not make any definitive diagnosis or prescribe any treatment program independent of the supervising physician;

(5) The certified orthopaedic physician's assistant shall not prescribe any narcotics or controlled drugs. Pre-signed prescriptions may not be used. Medications dispensed by the certified orthopaedic physician's assistant shall be approved by the supervising physician;

(6) Any patient of the supervising orthopaedic physician or surgeon receiving treatment or services by the certified orthopaedic physician's assistant shall be fully informed and aware that the individual is a certified orthopaedic physician's assistant; and

(7) A sign shall be placed in a conspicuous location within the office setting indicating that services or treatment may be rendered by a certified orthopaedic physician's assistant.

SECTION 8. Any certified orthopaedic physician's assistant rendering services inconsistent with this part shall be considered to be practicing medicine without a license and shall be subject to appropriate legal action by the board of medical examiners.

SECTION 9. When a licensed orthopaedic physician or surgeon subject to the jurisdiction of the Tennessee board of medical examiners utilizes the services of a certified orthopaedic physician's assistant inconsistent with the provisions of this part, it shall constitute grounds for a finding of unprofessional conduct, and he or she shall be subject to disciplinary action by the board of medical examiners. Such disciplinary action includes, but it is not limited to, the suspension of privileges to utilize a certified orthopaedic physician's assistant, or the revocation or suspension of an orthopaedic physician's or surgeon's license to practice in Tennessee.

SECTION 10.

(a) Nothing in this act shall be construed to modify or supersede any existing rules, regulations, or laws pertaining to any other allied health professionals,

professions, or services. Nothing in this part shall permit the certified orthopaedic physician's assistant to:

(1) Practice chiropractic services or analyze, palpate or manipulate the spinal column for the purpose of rendering an adjustment; or

(2) Measure the powers or ranges of human vision or to determine the refractive state of the human eye or the scope of its functions, or prescribe ophthalmic lenses or prisms to remedy or relieve defects or muscular abnormalities.

(b) Nothing in this part shall prohibit a certified orthopaedic physician's assistant from testing normal vision activity or screening as a part of the patient's physical assessment.

(c) The provisions of this act shall not apply to other physician extenders, physician assistants, family nurse practitioners, registered nurses, licensed practical nurses, technologists, technicians, other assistants or employees that perform delegated services in a medical setting.

SECTION 11. Any person licensed by the board of medical examiners as a certified orthopaedic physician's assistant who has retired or may retire from such practice in Tennessee, shall not be required to renew such person's certificate as required by this part, if such person files an affidavit on a form to be furnished by the board of medical examiners. Such affidavit shall state the retirement date and other information deemed necessary by the board. If such person opts to re-engage in practice, such person shall apply for re-certification by the board of medical examiners as provided by this part and shall not be liable for payment of fees accrued during the retirement period.

SECTION 12. For the purpose of promulgating rules and regulations by the board of medical examiners, this act shall take effect upon becoming a law, the public welfare requiring

it. For all other purposes this act shall take effect September 1, 1995, the public welfare requiring it.

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